

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Octavius May

Cr.: 04-00342-01

PACTS Number: 38520

Name of Sentencing Judicial Officer: Honorable Stanley R. Chesler

Date of Original Sentence: 04/01/05

Original Offense: Distribution and Possession With Intent to Distribute More Than 5 Grams of Cocaine Base

Original Sentence: 78 months imprisonment; 4 years supervised release; \$100 special assessment; \$500 fine.
Special conditions: drug testing and/or treatment, financial disclosure, no new debt, enroll in a GED program or vocational program, and DNA collection.

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/21/09

PETITIONING THE COURT

To modify the conditions of supervision as follows. The addition of the following special condition(s):

ALCOHOL TESTING AND TREATMENT

You shall refrain from the use of alcohol and submit to breathalyzer testing to ensure compliance. It is further ordered that you shall wear a SCRAM (alcohol monitoring) device for a period of 3 months and attend weekly AA meetings. You shall pay all monitoring costs associated with this device. The Probation Officer shall supervise your compliance with this condition.

CAUSE

On August 17, 2012, May was arrested by the Bloomfield Police Department and charged with driving under the influence of alcohol. This case is pending in Bloomfield Municipal Court. The offender has acknowledged his conduct and requests assistance to address his problem with alcohol abuse. The Probation Office will notify the Court of the disposition in this matter or if circumstances dictate immediate court action.

Respectfully submitted,

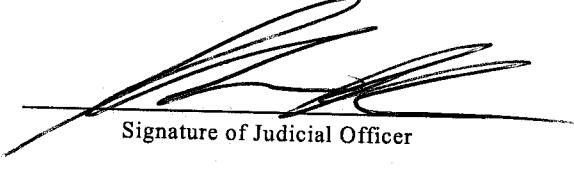
Maureen Kelly
Digitally signed by Maureen Kelly
DN:cn=Maureen Kelly,o=us-supervising
U.S. Probation Officer,
email=Maureen.Kelly@NJP.uscourts.gov,
Date: 2012.10.15 11:44:29 -04'00'

By: Anthony J. Nisi
U.S. Probation Officer
Date: 10/15/12

PROB 12B - Page 2
Octavius May

THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No Action
 Other



Signature of Judicial Officer



10/15/12

Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

WILFREDO TORRES
CHIEF PROBATION OFFICER

MARK HENGEMUHLE
SR. DEPUTY CHIEF PROBATION OFFICER

THOMAS C. MILLER
DEPUTY CHIEF PROBATION OFFICER

October 15, 2012

U.S. COURTHOUSE
50 WALNUT ST.
ROOM 1001
NEWARK, NJ 07102
(973) 645-6161
FAX: (973) 645-2155

www.njp.uscourts.gov

Honorable Stanley R. Chesler, U.S. District Judge
Martin Luther King, Jr. Federal Building & U.S. Courthouse
P.O. Box 0999
Newark, NJ 07102

RE: **MAY, Octavius**
Dkt. No: 04-00342-001
Notice of New Arrest & Request to
Modify Conditions of Supervision

Dear Judge Chesler:

On April 1, 2005, Octavius May was sentenced by Your Honor to 78 months imprisonment to be followed by a four-year-term of supervised release for the offense of Distribution and Possession with Intent to Distribute More Than 5 Grams of Cocaine Base. The offender was ordered to pay a special assessment of \$100, a \$500 fine, and abide by the special conditions of drug testing and/or treatment, financial disclosure, no new debt, enroll in a GED or vocational program, and DNA collection. May has been supervised by this office since his release from confinement on October 21, 2009.

As detailed in the attached petition, May is in noncompliance with the conditions of supervision. We respectfully request that Your Honor review and sign the attached modification. May has acknowledged the violation and signed a Waiver of Hearing (Form 49) to modify the conditions of his supervised release. If Your Honor has any questions, please contact the undersigned officer at (973) 223-8116.

Respectfully submitted,

WILFREDO TORRES, Chief
U.S. Probation Officer

Maureen Kelly

Digitally signed by Maureen Kelly
DN: cn=Maureen.Kelly,o=us-Supervising U.S.
Probation Officer,
email=Maureen_Kelly@NJP.uscourts.gov,c=US
Date: 2012.10.15 11:43:56 -04'00'

By: Anthony J. Nisi
U.S. Probation Officer

Enclosure(s)

cc: Samuel Koren, AUSA
Michael Pedicini, Esq. (Appointed)

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

ALCOHOL/DRUG TESTING AND TREATMENT

You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall wear a SCRAM (alcohol monitoring) device for a period of 3 months and attend regular AA meetings. You shall pay all monitoring costs associated with this device. The Probation Officer shall supervise your compliance with this condition.

Witness: Atg J. Phi
U.S. Probation Officer

Signed: Octavius May
Probationer or Supervised Release
Octavius May

10/19/12
DATE